

UNITED STATES DISTRICT COURT
for the
District of Massachusetts

JOSE MARIA DECASTRO, an individual) Case No. 1:22-cv-11421
Plaintiff,)
v.) **MOTION TO TRANSFER VENUE**
JOSHUA ABRAMS, an individual, et al.,)
Defendants.)

PLAINTIFF'S MOTION TO TRANSFER VENUE TO THE UNITED STATES
DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

I, Jose DeCastro, Plaintiff hereby move this Honorable Court to transfer this action to the United States District Court for the Southern District of California, pursuant to 28 U.S.C. § 1404(a) on the grounds that the convenience of the parties and the witnesses and the interest of justice would be best served by the transfer. The majority of the witnesses and evidence are in Southern California.

In support of this Motion, I hereby incorporate the attached Memorandum in Support.

Dated: October 31, 2022

Respectfully submitted,

/s/ Jose DeCastro
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UNITED STATES DISTRICT COURT
for the
District of Massachusetts

JOSE MARIA DECASTRO, an individual) Case No. 1:22-cv-11421
Plaintiff,)
v.) **PLAINTIFF'S MEMORANDUM IN
JOSHUA ABRAMS, an individual, et al.,) SUPPORT OF MOTION TO
Defendants.) TRANSFER VENUE**
)

PLAINTIFF'S MEMORANDUM IN SUPPORT OF MOTION TO TRANSFER

VENUE

This case presents a clear set of circumstances weighing in favor of transfer to the United States District Court for the Southern District of California, where lies: the source of the Defendant's defamatory statement, the domicile of the injured plaintiff, the location of the majority of the video evidence, the majority of the jurisdictional records related to the defamation, and the majority of the witnesses for the defamation.

RELEVANT BACKGROUND

The primary defendant for defamation, where there can be one, is Katherine Peter ("Peter"). Peter allegedly interviewed witnesses in Los Angeles, bases her defamatory statements on alleged jurisdictional records issued by Los Angeles parties, and raises defamatory issues that allegedly occurred in Los Angeles County, California.

Defendant Joshua Abrams ("Abrams") is an associate of Katherine Peter.

I, Plaintiff Jose DeCastro, originally filed this action in the United States District Court for the District of Massachusetts. Since then, I have been prejudiced due to lack of access to court terminals for transcripts, lack of the ability to physically submit video evidence to the clerk, video evidence being the majority of the evidence that will be filed in this case.

Witnesses that Peter allegedly spoke to and that I will call in my defense will mainly be in Southern California. The majority of the judicial records and agents reside in Southern California.

A. The Case Should be Transferred Pursuant to 28 U.S.C. § 1404(a)

As this Court has held, the relevant factors for a determination of whether to transfer venue under 28 U.S.C. § 1404(a) include: ““(1) the plaintiff’s choice of forum, (2) the convenience of the witnesses and location of the documents, (3) the law to be applied, (4) the connection between the forum and the issues, (5) the state or public interests at stake and (6) the relative convenience of the parties.”” *Thermo Niton Analyzers, LLC v. Morningsight Cap., LLC*, No. 10-cv-10374-NG, 2010 WL 2836157, at *2 (D. Mass. July 16, 2010). As more fully addressed below, each of these factors heavily favors granting Plaintiff’s transfer.

B. Potentially Relevant Witnesses and Documents Are Largely Located In California

The convenience of witnesses is “probably the most important factor” among those considered by the courts. *Princess House, Inc. v. Lindsey*, 136 F.R.D. 16, 18 (D. Mass. 1991). The convenience of the witnesses strongly supports granting Plaintiff’s motion to transfer to the Southern District of California, and this District provides virtually no benefit for witness convenience.

C. California Law Likely Applies, Not Massachusetts Law

Plaintiff's Complaint does not allege any violations of Massachusetts law. Instead, Plaintiff's Complaint alleges violations of California and Federal law. Other than Peter's residence, this action has absolutely not relationship to Massachusetts.

D. Southern District of California Is Proper a Proper Venue

"For the convenience of the parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district . . . where it might have been brought." 28 U.S.C. §1404(a). Accordingly, the district court may transfer an action to another district pursuant to § 1404(a) if two (2) requirements are met. See *Van Dusen v. Barrack*, 376 U.S. 612 (1964). First, the court must determine that the action "might have been brought" in the transferee district court originally. 28 U.S.C. § 1404(a); see *Van Dusen*, 376 U.S. at 616. This action could have been brought in the Southern District of California.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

The court has waived this local rule for the remainder of this action.

Dated: October 31, 2022

Respectfully submitted,

/s/ Jose DeCastro
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.